NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

:

OSCAR ELISEO MEDELIUS-

RODRIGUEZ,

Civil Action No. 07-4039 (DMC)

Plaintiff,

 ∇ .

OPINION

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, et al.,

Defendants.

APPEARANCES:

Oscar Eliseo Medelius-Rodriguez, Pro Se 1018 Cordgrass Road Hampstead, NC 28443

CAVANAUGH, District Judge

On March 10, 2008, Plaintiff, Oscar Eliseo Medelius-Rodriguez, formerly a prisoner confined at the Wake County Jail, Raleigh, North Carolina, filed an application for reconsideration of the order of dismissal entered in this civil case on February 28, 2008 (docket entry 8). Plaintiff asks for the Court to correct its Order, pursuant to Federal Rule of Civil Procedure 60(a) (Corrections Based on Clerical Mistakes).

In the previous Opinion of this Court dismissing Plaintiff's Bivens and FTCA claims (docket entry 5), this Court found that: (1) As Plaintiff had not named proper defendants, the complaint, as to the unknown defendants, was dismissed without prejudice

(Opinion, p. 9); (2) the FTCA claims were dismissed, without prejudice (Opinion, p. 12); and (3) any asylum claims were dismissed, with prejudice (Opinion, p. 13). However, in the Order accompanying the Opinion (docket entry 6), this Court dismissed Plaintiff's FTCA claims, without prejudice, and dismissed the remainder of the complaint with prejudice.

The Court sees Plaintiff's confusion. Therefore, the Court will grant Plaintiff's motion, vacate the February 28, 2008, and enter a new order stating that: (1) Plaintiff's FTCA claims are dismissed, without prejudice; (2) Plaintiff's asylum claims are dismissed, with prejudice; and (3) any other claims asserted by Plaintiff are dismissed, without prejudice.

As appropriate Order accompanies this Opinion.

DENNIS M. CAVANAUS

United States District Judge

Dated: /-17-09